

8w/1655

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Kim R. ROGERS et al

Art Unit: 1655

Application No.: 10/657,249

Examiner: C. D. Petersen

Filed: September 9, 2003

Washington, D.C.

For: STABILIZED ENZYMES FOR DETECTING AND MONITORING CHEMICAL TOXINS

Atty.'s Docket: ROGERS1

Date: April 5, 2006

Confirmation No. 4045

THE COMMISSIONER OF PATENTS  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop Amendment  
401 Dulany Street  
Alexandria, VA 22314



Sir:

Transmitted herewith is a [XX] REPLY TO RESTRICTION REQUIREMENT AND REMARKS in the above-identified application.

[ ] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[XX] No additional fee is required.

[ ] The fee has been calculated as shown below:

|   | (Col. 1)                                  |       | (Col. 2)                              | (Col. 3)                   |
|---|---|-------|---------------------------------------|----------------------------|
|   | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT |       | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA<br>EQUALS |
| TOTAL                                     | * 10                                      | MINUS | ** 20                                 | 0                          |
| INDEP.                                    | * 3                                       | MINUS | *** 3                                 | 0                          |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |   |       |                                       |                            |

| SMALL ENTITY         |                   |
|----------------------|-------------------|
| RATE                 | ADDITIONAL<br>FEE |
| x 25                 | \$                |
| x 100                | \$                |
| + 180                | \$                |
| ADDITIONAL FEE TOTAL |                   |
| \$                   |                   |

| OTHER THAN SMALL ENTITY |                   |
|-------------------------|-------------------|
| RATE                    | ADDITIONAL<br>FEE |
| x 50                    | \$                |
| x 200                   | \$                |
| + 360                   | \$                |
| TOTAL                   |                   |
| \$                      |                   |

- If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [ ] First - \$ 60.00
- [ ] Second - \$ 225.00
- [ ] Third - \$ 510.00
- [ ] Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- [ ] First - \$ 120.00
- [ ] Second - \$ 450.00
- [ ] Third - \$ 1020.00
- [ ] Fourth - \$ 1590.00

Month After Time Period Set

[ ] Less fees (\$ ) already paid for month(s) extension of time on .

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ .

[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ .

[ ] A check in the amount of \$ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

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Atty. Docket: ROGERS1

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|--------------------------------|---|--------------------------|
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|                                | ) |                          |
| Kim ROGERS et al               | ) | Art Unit: 1655           |
|                                | ) |                          |
| Appln. No.: 10/657,249         | ) | Examiner: C. D. Petersen |
|                                | ) |                          |
| Filed: September 9, 2003       | ) | Washington, D.C.         |
|                                | ) |                          |
| For: STABILIZED ENZYMES FOR... | ) | April 5, 2006            |

REPLY TO RESTRICTION REQUIREMENT AND REMARKS

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop Amendment  
401 Dulany Street  
Alexandria, VA 22314

Sir:

The Office Action mailed March 6, 2006, in the nature of a requirement for restriction, has been carefully reviewed. Favorable consideration is respectfully requested.

Restriction has been required among what the Examiner considers to be two patentably distinct species of the invention, as follows:

Group I, drawn to a detector apparatus containing acetylcholinesterase immobilized in a sol-gel or membrane, presently comprising claims 1 and 7-10; and